

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 820

FINAL READING

Introduced by Janssen, 15.

Read first time January 08, 2010

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections
2 60-6,289 and 60-6,298, Revised Statutes Cumulative
3 Supplement, 2008; to change provisions relating to height
4 restrictions for vehicles and operating permits for
5 certain emergency vehicles; and to repeal the original
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,289, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-6,289 (1) No vehicle unladen or with load shall exceed
4 a height of fourteen feet, six inches, except:

5 (a) Combines or vehicles used in transporting combines,
6 to be engaged in harvesting within or without the state, moving
7 into or through the state during daylight hours when the overall
8 height does not exceed fifteen feet, six inches;

9 (b) Livestock forage vehicles with or without load that
10 comply with subsection (2) of section 60-6,305;

11 (c) Farm equipment or implements of husbandry being
12 driven, picked up, or delivered during daylight hours by farm
13 equipment dealers shall not exceed fifteen feet, six inches;

14 (d) Self-propelled specialized mobile equipment with a
15 fixed load when the requirements of subdivision (2)(i) of section
16 60-6,288 are met; ~~or~~

17 (e) Vehicles which have been issued a permit pursuant to
18 section 60-6,299; ~~or-~~

19 (f) Vehicles with a baled livestock forage load that
20 comply with subsection (4) of section 60-6,305 when the overall
21 height does not exceed fifteen feet, six inches.

22 (2) No person shall be required to raise, alter,
23 construct, or reconstruct any underpass, bridge, wire, or other
24 structure to permit the passage of any vehicle having a height,
25 unladen or with load, in excess of twelve feet, six inches. The

1 owners, lessees, and operators, jointly and severally, of vehicles
2 exceeding twelve feet, six inches, in height shall assume the risk
3 of loss to the vehicle or its load and shall be liable for any
4 damages that result to overhead obstructions from operation of a
5 vehicle exceeding twelve feet, six inches, in height.

6 Sec. 2. Section 60-6,298, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 60-6,298 (1) (a) The Department of Roads or the Nebraska
9 State Patrol, with respect to highways under its jurisdiction
10 including the National System of Interstate and Defense Highways,
11 and local authorities, with respect to highways under their
12 jurisdiction, may in their discretion upon application and good
13 cause being shown therefor issue a special, continuing, or
14 continuous permit in writing authorizing the applicant or his
15 or her designee:

16 (i) To operate or move a vehicle, a combination of
17 vehicles, or objects of a size or weight of vehicle or load
18 exceeding the maximum specified by law when such permit is
19 necessary:

20 (A) To further the national defense or the general
21 welfare;

22 (B) To permit movement of cost-saving equipment to be
23 used in highway or other public construction or in agricultural
24 land treatment; or

25 (C) Because of an emergency, an unusual circumstance, or

1 a very special situation;

2 (ii) To operate vehicles, for a distance up to one
3 hundred twenty miles, loaded up to fifteen percent greater than the
4 maximum weight specified by law, up to ten percent greater than the
5 maximum length specified by law, except that for a truck-tractor
6 semitrailer trailer combination utilized to transport sugar beets
7 which may be up to twenty-five percent greater than the maximum
8 length specified by law, or both, when carrying grain or other
9 seasonally harvested products from the field where such grain or
10 products are harvested to storage, market, or stockpile in the
11 field or from stockpile to market or factory when failure to
12 move such grain or products in abundant quantities would cause an
13 economic loss to the person or persons whose grain or products are
14 being transported or when failure to move such grain or products
15 in as large quantities as possible would not be in the best
16 interests of the national defense or general welfare. The distance
17 limitation may be waived for vehicles when carrying dry beans from
18 the field where harvested to storage or market when dry beans
19 are not normally stored, purchased, or used within the permittee's
20 local area and must be transported more than one hundred twenty
21 miles to an available marketing or storage destination. No permit
22 shall authorize a weight greater than twenty thousand pounds on any
23 single axle;

24 (iii) To transport an implement of husbandry which does
25 not exceed twelve and one-half feet in width during daylight hours,

1 except that the permit shall not allow transport on holidays;

2 (iv) To operate one or more recreational vehicles, as
3 defined in section 71-4603, exceeding the maximum width specified
4 by law if movement of the recreational vehicles is prior to retail
5 sale and the recreational vehicles comply with subdivision (2)(k)
6 of section 60-6,288; or

7 (v) To operate an emergency vehicle for purposes of sale,
8 demonstration, exhibit, or delivery, if the applicant or his or her
9 designee is a manufacturer or sales agent of the emergency vehicle.
10 No permit shall be issued for an emergency vehicle which weighs
11 over sixty thousand pounds on a the tandem axle.

12 (b) No permit shall be issued under subdivision (a)(i)
13 of this subsection for a vehicle carrying a load unless such
14 vehicle is loaded with an object which exceeds the size or weight
15 limitations, which cannot be dismantled or reduced in size or
16 weight without great difficulty, and which of necessity must be
17 moved over the highways to reach its intended destination. No
18 permit shall be required for the temporary movement on highways
19 other than dustless-surfaced state highways and for necessary
20 access to points on such highways during daylight hours of
21 cost-saving equipment to be used in highway or other public
22 construction or in agricultural land treatment when such temporary
23 movement is necessary and for a reasonable distance.

24 (2) The application for any such permit shall
25 specifically describe the vehicle, the load to be operated or

1 moved, whenever possible the particular highways for which permit
2 to operate is requested, and whether such permit is requested for a
3 single trip or for continuous or continuing operation.

4 (3) The department or local authority is authorized to
5 issue or withhold such permit at its discretion or, if such permit
6 is issued, to limit the number of days during which the permit
7 is valid, to limit the number of trips, to establish seasonal or
8 other time limitations within which the vehicles described may be
9 operated on the highways indicated, or to issue a continuous or
10 continuing permit for use on all highways, including the National
11 System of Interstate and Defense Highways. The permits are subject
12 to reasonable conditions as to periodic renewal of such permit
13 and as to operation or movement of such vehicles. The department
14 or local authority may otherwise limit or prescribe conditions
15 of operation of such vehicle or vehicles, when necessary to
16 assure against undue damage to the road foundations, surfaces, or
17 structures or undue danger to the public safety. The department or
18 local authority may require such undertaking or other security as
19 may be deemed necessary to compensate for any injury to any roadway
20 or road structure.

21 (4) Every such permit shall be carried in the vehicle
22 to which it refers and shall be open to inspection by any peace
23 officer, carrier enforcement officer, or authorized agent of any
24 authority granting such permit. Each such permit shall state the
25 maximum weight permissible on a single axle or combination of axles

1 and the total gross weight allowed. No person shall violate any
2 of the terms or conditions of such special permit. In case of any
3 violation, the permit shall be deemed automatically revoked and the
4 penalty of the original limitations shall be applied unless:

5 (a) The violation consists solely of exceeding the size
6 or weight specified by the permit, in which case only the penalty
7 of the original size or weight limitation exceeded shall be
8 applied; or

9 (b) The total gross load is within the maximum authorized
10 by the permit, no axle is more than ten percent in excess of the
11 maximum load for such axle or group of axles authorized by the
12 permit, and such load can be shifted to meet the weight limitations
13 of wheel and axle loads authorized by such permit. Such shift may
14 be made without penalty if it is made at the state or commercial
15 scale designated in the permit. The vehicle may travel from its
16 point of origin to such designated scale without penalty, and a
17 scale ticket from such scale, showing the vehicle to be properly
18 loaded and within the gross and axle weights authorized by the
19 permit, shall be reasonable evidence of compliance with the terms
20 of the permit.

21 (5) The department or local authority issuing a permit
22 as provided in this section may adopt and promulgate rules and
23 regulations with respect to the issuance of permits provided for in
24 this section.

25 (6) The department shall make available applications

1 for permits authorized pursuant to subdivisions (1)(a)(ii) and
2 (1)(a)(iii) of this section in the office of each county treasurer.
3 The department may make available applications for all other
4 permits authorized by this section to the office of the county
5 treasurer and may make available applications for all permits
6 authorized by this section to any other location chosen by the
7 department.

8 (7) The department or local authority issuing a permit
9 may require a permit fee of not to exceed twenty-five dollars,
10 except that:

11 (a) The fee for a continuous or continuing permit may not
12 exceed twenty-five dollars for a ninety-day period, fifty dollars
13 for a one-hundred-eighty-day period, or one hundred dollars for a
14 one-year period; and

15 (b) The fee for permits issued pursuant to subdivision
16 (1)(a)(ii) of this section shall be twenty-five dollars for a
17 thirty-day permit and fifty dollars for a sixty-day permit. Permits
18 issued pursuant to such subdivision shall be valid for thirty days
19 or sixty days and shall be renewable for a total number of days not
20 to exceed one hundred and twenty days per year.

21 A vehicle or combination of vehicles for which an
22 application for a permit is requested pursuant to this section
23 shall be registered under section 60-3,147 or 60-3,198 for the
24 maximum gross vehicle weight that is permitted pursuant to section
25 60-6,294 before a permit shall be issued.

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- 1 Sec. 3. Original sections 60-6,289 and 60-6,298, Revised
- 2 Statutes Cumulative Supplement, 2008, are repealed.